

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Andrea Finke-Anlauff et al.	Art Unit:	2173
Filed:	March 3, 2004	Examiner:	Kieu D. Vu
Title:	MEDIA DIARY INCORPORATING MEDIA AND TIMELINE VIEWS		

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P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

This Reply Brief is filed in response to the Examiner's Answer mailed on August 11, 2008, the Examiner's Answer being in response to an Appeal Brief filed on June 17, 2008. This Reply Brief addresses several points raised by the Examiner's Answer.

7. *Argument.*

As explained in the Appeal Brief at pages 5-11, Claims 1, 2, 4-26, and 28-36 are patentably distinct from the cited reference, International Patent Application Publication No. WO 02/057959 A2 to Rothmuller *et al.* ("*Rothmuller*"). Accordingly, Applicants respectfully request that the rejections of these claims be reversed.

In reply to the Examiner's Answer, Applicants again submit that the *Rothmuller*, fails to teach or suggest each and every recited feature of the claimed invention. The Examiner's Answer is, in large part, simply a reiteration of the claim rejections offered in the final Official Action of September 12, 2007. As such, Appellants respectfully submit that since the Appeal Brief pointed out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed need be presented herein. Rather, Applicants will herein simply respond to the specific assertions from the "Response to Argument" section of the Examiner's Answer (pages 11-14).

10. ***Response to Argument.***

The Examiner's Answer presented several arguments, and each of these is addressed below in separate sections bearing titles consistent with those used in the Examiner's Answer.

A. ***Arguments Regarding the Rejections of Independent Claims 1 and 35.***

Claim 1 recites "... second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline."

The Examiner's Answer states that the ...

specification has some discussions on event, however, the only part that shows the relationship of event and timeline is "For the sake of brevity and clarity, the invention defines "period of time" to include both moment of time and an event associated with a period of time" (spec., lines 11-13 of page 6). The drawing does not show how an event is represented in the timeline. Fig. 2 shows timeline view 200 having time bar 210 with dates. There is no showing of how an event is represented in the timeline. Although there are events represented right below the timeline view in Fig. 2, those events are represented in the media view and not represented in the timeline view (spec. lines 6-16 of page 13).

See p. 12 of the Examiner's Answer. The Examiner's Answer continues

Therefore, in view of Appellant's disclosure, the claims "... **events represented in the timeline**" are indeed just **events associated with a period of time or events associated with the timeline**.

Id. Applicants respectfully submit that the Examiner's conclusion above is incorrect, as it violates the plain language of the claims at issue (e.g., the conclusion violates the above reproduced language of Claim 1). Although it may be true that events "represented in a timeline" must also be "associated with the timeline," it does not follow that "events associated with a timeline" must also be "represented in the timeline." As an example, consider the fictitious example in which an application presents a timeline and has two modes, a first mode in which events are visually displayed (say, as icons) within the timeline and a second mode (say, an "event-free" mode) in which the visual display of events is deactivated so that only the timeline is displayed. The latter would be a case where events are "associated with a timeline"

but not “represented in the timeline.”

The above example is not meant to suggest that the products and methods disclosed and claimed in the present application have any specific functionality. Rather, the example is simply provided to demonstrate that it is not logically correct to equate “association with a timeline” to “representation in the timeline.” Rather, the meaning of the phrase “second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline” is to be derived from the plain meaning of the phrase. According to the plain meaning, events should be represented, in some manner, in the timeline, or in other words, events should be “brought clearly before the mind” by the timeline. See Merriam-Webster’s Collegiate Dictionary, Eleventh Edition.

B. Arguments Regarding the Rejection of Independent Claim 26.

The Examiner’s Answer states that “Fig. 1 and Fig. 3 show left and right scrolling arrows included in the left and right corners of the timeline.” See p. 13 of the Official Action. However, as pointed out previously, there is no discussion within *Rothmuller* of these features or their function, and there is nothing within *Rothmuller* to discuss the Examiner’s characterization of these features as scrolling arrows.

Even assuming, *arguendo*, that these features are scrolling arrows, there is nothing in *Rothmuller* to support the Examiner’s contention that “[a]ctivating the left or right scrolling arrows will move the timeline to the left or right . . .” See p. 13 of the Official Action. Rather, assuming the features are scrolling arrows, in the context of *Rothmuller*, it would only make sense for the scrolling arrows to act to move the “time bands” of *Rothmuller* (element 251 in Fig. 3), which are the only features taught by *Rothmuller* as being moveable by a user. See p. 8, ll. 4-7 of *Rothmuller*.

C. Arguments Regarding the Rejection of Independent Claim 29.

The Examiner's Answer states

Appellant argues Rothmuller does not disclose "individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation" since according to Appellant, Rothmuller teaches "displaying images associated with a search in an image area, the image area being associated with the search and not with a date". The Examiner respectfully disagrees since Rothmuller teaches in lines 12-20 of page 2 that the search criteria can include the date the photos were taken. Therefore, Appellant's statement "the image area being associated with the search and not with a date" is incorrect.

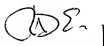
See p. 14 of the Official Action. However, the Examiner has confused the argument previously presented by the Applicants. Applicants have not argued that *Rothmuller* does not teach searching for image files based on dates associated with the image files. Rather, Applicants have argued that *Rothmuller* does not disclose individually presenting the media file as a media file representation in a date column of a media view.

The "image area" of *Rothmuller* (element 100 in Fig. 1) is not a "date column." Rather, the image area is a place wherein images matching one or more search criteria can be displayed. See p. 8, ll. 14-26 of *Rothmuller*. In some cases, it is conceivable that a search may consist entirely of a date range, or even a single date (*e.g.*, a search for all images associated with the date October 20, 2005). However, the fact that a search is based on a date range or even on a single date does not render the "image area" of *Rothmuller* a "date column" as recited in Claim 29. The specification indicates that the "date columns" of the present application correspond to specific respective dates. See ¶ [0030]. The image area of *Rothmuller* does not correspond to any specific date, but corresponds to whatever search criteria were selected by a user, including whatever search date(s) may have been selected for a specific search.

CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,



Richard D. Emery
Registration No. 58,894

CUSTOMER No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
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